



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

June 14, 1991

Claudia Nadig  
Assistant General Counsel  
Texas Workers' Compensation Commission  
4000 South IH-35  
Austin, Texas 78704

OR91-293

Dear Ms. Nadig:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12459.

We have considered the exception you claimed, specifically section 3(a)(11), and have reviewed the material forwarded to us for review. Section 3(a)(11) excepts from required public disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." Section 3(a)(11) was designed to protect advice and opinion on agency matters in order to encourage open and frank discussion in the deliberative process of governmental bodies. Section 3(a)(11), however, only excepts from disclosure advice, opinion, and recommendation and not facts or written observations of facts severable from such advice, opinion and recommendation. See Open Records Decision Nos. 538 (1990), 470 (1987).

Pursuant to section 3(a)(11), you may withhold the drafts of a letter of reprimand and a letter to the complainants that you describe in your letter dated May 10, 1991, since subsequent letters in final form have been sent to the addressees of the letters. However, you must disclose any portion of the drafts containing factual information not included in the issued letters. See Open Records Decision No. 559 (1990) (drafts of documents issued may be withheld except for portions containing factual information not contained in issued documents).

Pursuant to section 3(a)(11), you may also withhold from public disclosure the portions of the memorandum dated May 2, 1991, that we have marked in blue.

The remaining portions, including those that have been marked in black, contain severable factual information and must be disclosed.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-293.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/lb

Ref.: ID# 12459

Enclosures: Open Records Decision Nos. 559, 530, 470

cc: Alfred St. Louis  
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